

D.W. Hunter

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Ste #1

St. Paul, MN 55105

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

SW
FILED
AUG 05 2014
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

D.W. HUNTER., an Individual,
LARNELL EVANS. JR., an Individual
FOR THE ESTATE OF ANNA SHORT
HARRINGTON, an Individual ("AUNT
JEMIMA")

PLAINTIFFS'

vs.

PEPPSICO Inc., a Corporations, THE
QUAKER OATS COMPANY, a
Corporation, PINNACLE FOODS
GROUP, LLC, THE HILLSHIRE BRANDS
COMPANY, a Corporation, and DOES
1 through 25, inclusive,
DEFENDANTS.

Case No. _____

**MEMORANDUM IN SUPPORT OF
MOTION AND REQUEST FOR RULE 11
SANCTIONS**

Memorandum of Law

Petrella v. Metro-Goldwyn-Mayer, Inc.

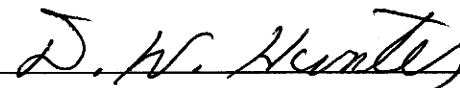
Case No. 12-1315

"MGM is concerned that evidence needed or useful to defend against liability will be **lost during a copyright owner's inaction**. But Congress **must have been aware** that the passage of time and the author's death could cause evidentiary issues **when it provided for reversionary renewal rights** that an **author's heirs can exercise long after a work was written and copyrighted**. Moreover, because a copyright plaintiff bears the burden of proving infringement, any hindrance caused

1 **by evidence unavailability is as likely to affect plaintiffs as defendants.**
2 The need for extrinsic evidence is also reduced by the "**registration**
3 **mechanism,**" ("Emphasis Added" under which both the certificate and
4 the original **work must be on file with the Copyright Office (i.e. Trademark**
5 **Office) before a copyright owner can sue for**
6 **infringement.**"<http://supreme.justia.com/cases/federal/us/572/12-1315/>

7 DATED: **July 3, 2014**

8 Respectfully Submitted,

9 A handwritten signature in cursive script, appearing to read "D.W. Hunter", is written over a horizontal line.

10 D.W.H.

CERTIFICATE OF SERVICE

FOR THE COUNTY OF]
 RAMSEY IN THE] ss.
 STATE OF MINNESOTA]

Case No.: _____

I, D.W.H., HEREBY certify that I am over the age of 18 years old, and located at 1275 Lincoln Ave Unit 1, St. Paul, Minnesota 55105.

I certify that I have placed a prepaid postage, true and complete original to the court and copies to the party(is) of record at the U.S. Postal Office located at Post Office St. Paul MN. on the date of July 2014, for this action of the following:

MOTION FOR RULE 11 SANCTIONS + MEMORANDUM + Exhs. 25, 26, 27, 28, 29, 30, 31, 32

c/o Clerk, The Quaker Oats Company,
 555 W Monroe St Fl 1 Chicago,
 Illinois 60661-3716 United States.
 c/o CT Corporation System, 208 So.
 LaSalle St. Suite 814, Chicago, IL
 60604

c/o Pinnacle Foods Group, LLC,
 c/o Agent: C T Corporation
 System is located at C T
 CORPORATION SYSTEM, 208 SO.
 LaSalle St, Ste # 814, Chicago,
 IL 60604, and a Principal place
 of business 99 Jefferson Road,
 Parsippany, NJ 07054.

c/o PepsiCo, Inc. 700 Anderson Hill
 Road Purchase, NY 10577 ; 555 West
 Monroe Street, Chicago, IL 60661,
 (Ph): (914) 253-2000, Fax Number:
 (914) 253-2070. c/o CT Corporation
 System, 111 Eighth Ave. N.Y., N.Y.
 10011

c/o Clerk
 United States District Court
 Northern District of Illinois
 Everett McKinley Dirksen
 United States Courthouse
 219 South Dearborn Street
 Chicago, IL 60604

Kent B. Magill, The Hillshire Brands
 Company, c/o Agent: C T Corporation
 System is located at 208 SO LASALLE
 ST, SUITE 814 Chicago, IL 60604, c/o
 Secretary: Kent B. Magill 400 S
 Jefferson St. Chicago, IL 60607.

I declare under the penalty of perjury under the laws of the
 State of Minnesota that the above is true and correct.

Date: 08/05/14

Respectfully Submitted,

D.W.H. Hunter
 D.W.H.